

## JOURNAL OF THE HOUSE.

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Thursday, December 30, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Petruccelli of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

The eve of the new year is an occasion for joyous celebrations for family members, friends and neighbors, as well as the time for making traditional New Year's resolutions. The spirit of the new year, a time for new beginnings, energizes us to address with enthusiasm the items on our legislative and personal agenda. In Your goodness, help us to promote, during the course of this year, high ideals in dealing with others, goodwill towards all, excellence in education and government administration and the common good of all members of our diverse communities. As legislators, we pray for clarity of vision in planning for the present and the future, confidence in our ability to enact relevant legislation, soundness of judgment and an respect for traditional human and spiritual values.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petruccelli), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### *Silent Prayer.*

On motion of Mr. Ayers of Quincy, and at the request of the Chair (Mr. Petruccelli of Boston), the members, guests and employees stood in a moment of silent prayer to the memory of Mr. Frank Buckley, a distinguished resident of the city of Quincy who dedicated his life to helping others in need.

### *Message from the Acting Governor — Bill Returned with Recommendation of Amendment.*

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill further preventing insurance fraud in the Commonwealth [see House, No. 4713, amended] (for message, see House, No. 5178) was filed this day in the office of the Clerk.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Acting Governor, the bill was referred, on motion of Mr. Mariano of Quincy, to the committee on Bills in the Third Reading.

Subsequently, said committee reported recommending that said amendment be considered in the following form:

By striking out section 1.  
The reported was accepted.  
The amendment recommended by the Acting Governor then was adopted. Sent to the Senate for its action.

*Message from the Acting Governor — Disapproval of  
Section in Appropriations Bill.*

Appropriations,  
amend.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with her objections thereto in writing section 1 contained in the engrossed Bill amending certain appropriation acts [see House, No. 5168, amended] (for message, see House, No. 5183) was filed this day in the office of the Clerk.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

*Message from the Acting Governor.*

Department  
of Revenue,  
appropriation.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to making an appropriation for fiscal year 2005 to provide for certain activities and projects (House, No. 5186) was filed this day in the office of the Clerk.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

*Resignation of Representative Thomas M. Finneran of Boston.*

The following communication, received by the Clerk, was read for the information of the House; and placed on file.

December 28, 2004.

The Honorable Salvatore F. DiMasi  
*Speaker of the House*  
State House — Room 356  
Boston, MA 02133

Dear Mr. Speaker:

Resignation of  
Representative  
Thomas M.  
Finneran of  
Boston.

Please accept this letter as formal and official notice of my intention to resign my position as an elected member of the Massachusetts House of Representatives, effective as of 5:00 P.M. on Friday, December 31, 2004.

It has been an incredible honor and privilege to have served the citizens of Dorchester, Mattapan, Milton and Massachusetts for 26 years. It has also been a particular joy to have shared this service with you as a colleague, a friend and now as my Speaker. You will do well as Speaker and I pray that you have unsurpassed success.

Donna and I and Kelley and Shannon thank you for your many kindnesses and courtesies over these past 26 years. We wish you and all the members of the House and Senate a very productive and successful session in 2005 and 2006. Godspeed.

Sincerely yours,

THOMAS M. FINNERAN,  
*State Representative.*

*Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Lepper of Attleboro) congratulating Aurelio Almeida on fifty years of service to the 4-H Organization;

Aurelio  
Almeida.

Resolutions (filed by Mr. Greene of Billerica) congratulating Richard A. Montuori on retiring as the town manager of Billerica;

Richard A.  
Montuori.

Resolutions (filed by Mr. LeDuc of Marlborough) congratulating the PMAB on the occasion of its one hundredth anniversary;

PMAB.

Resolutions (filed by Mr. Linsky of Natick) congratulating Michael N. Abdelahad on receiving the Eagle Award of the Boy Scouts of America;

Michael N.  
Abdelahad.

Resolutions (filed by Mr. Linsky of Natick) congratulating Christopher D. Black on receiving the Eagle Award of the Boy Scouts of America;

Christopher D.  
Black.

Resolutions (filed by Mr. Linsky of Natick) congratulating Allen Ariff Glick on receiving the Eagle Award of the Boy Scouts of America;

Allen Ariff  
Glick.

Resolutions (filed by Mr. Linsky of Natick) congratulating Andrew R. Kantorski on receiving the Eagle Award of the Boy Scouts of America; and

Andrew R.  
Kantorski.

Resolutions (filed by Mrs. Poirier of North Attleborough) in recognition of James E. Bound, United States Navy (retired) as Director of Veteran Services;

James E.  
Bound.

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Spellane of Worcester, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Communications.*

*Communications*

From the Auditor of the Commonwealth relative to certain audits conducted by said auditor;

State  
Auditor.

From the Community Economic Development Assistance Corporation (under the provisions of Section 6 of Chapter 40H of the General Laws) relative to its annual report;

Economic  
Development  
Assistance  
Corp.

From the Massachusetts Bay Transportation Authority (pursuant to Section 20 of Chapter 161A of the General Laws) relative to the estimated capital or operating costs to be incurred in fiscal year 2004 for expansions or changes in service imposed by the General Court after July 1, 2000;

M.B.T.A.

From the Norfolk County Registry of Deeds (under Section KKK of Chapter 29 of the General Laws as inserted by Section 4 of Chapter of the Acts of 2003) submitting an initial plan for technological improvements at said registry (copies of said communication referred, as required under said law, to the committee on Ways and Means and the committee on Post Audit and Oversight);

Norfolk  
County  
Registry of  
Deeds.

From the Registry of Deeds Technology Advisory Committee (under the provisions of Section 80 of Chapter 4 of the Acts of

Registry of  
Deeds  
Technology.

2003) submitting a report to increase the efficiency and ensure standardization and compatibility among the Commonwealth's registries of deeds; and

Transportation  
and  
Communication.

From the Executive Office of Transportation and Communication (under the provisions of item 6000-0100 of Section 2 of Chapter 26 of the Acts of 2003) submitting copies of several quarterly and special reports, including STIP funding, Chapter 90 PWED fund, and certain payroll reports;

Severally placed on file.

#### *Annual and Special Reports.*

##### *Annual Reports*

State  
Ethics  
Commission.

Of the State Ethics Commission (under the provisions of Section 2(1) of Chapter 268B of the General Laws) for fiscal year 2004; and

U. Mass.  
Building  
Authority.

Of the University of Massachusetts Building Authority (under the provisions of Chapter 773 of the Acts of 1960) for the fiscal year 2004;

##### *Quarterly Reports*

Turnpike  
Authority.

Of the Massachusetts Turnpike Authority (under the provisions of Section 9 of Chapter 87 of the Acts of 2000) on the status of the Central Artery/Ted Williams Tunnel Projects;

MassHighway.

Of the MassHighway Department (under the provisions of item 6010-0001 contained in Section 2 of Chapter 184 of the Acts of 2004) for the quarter ending September 30, 2004; and

Convention  
Center.

Of the Massachusetts Convention Center Authority (under the provisions of Section 5L of Chapter 152 of the Acts of 1997) relative to all contracts regarding the Boston Convention Center and Exhibition Center Project entered by said authority;

##### *Monthly Reports*

Unemployment  
Insurance  
Trust Fund.

Of the Division of Unemployment Assistance (under the provisions of Chapter 142 of the Acts of 2001) relative to the condition of the Unemployment Insurance Trust Fund for November, 2004; and

Unemployment  
Assistance  
Division.

Of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws) relative to the condition of the Commonwealth's Unemployment Trust Fund for October, 2004;

Severally were placed on file.

#### *Petitions.*

Southbridge,  
charter.

Mr. Carron of Southbridge presented a petition (accompanied by bill, House, No. 5172) of Mark J. Carron and Richard T. Moore (by vote of the town) relative to the charter of the town of Southbridge; and the same was referred to the committee on Local Affairs and Regional Government. Sent to the Senate for concurrence.

Vanessa  
Scott-Brown.

Mr. Sánchez of Boston presented a petition (subject to Joint Rule 12) of Jeffrey Sánchez for legislation to authorize the Supreme Judicial Court to establish a sick leave bank for a certain employee of said court; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Rush of Boston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

#### *Papers from the Senate.*

The engrossed Bill relative to crimes against the elders and persons with disabilities (see Senate, No. 1083, amended) came from the Senate with an amendment adding at the end thereof the following two sections:

Crimes  
against  
elderly.

"SECTION 8. Said section 13K of said chapter 265, as so appearing, is hereby further amended by inserting after paragraph (d) the following paragraph:—

(d½) Whoever, being a caretaker of an elder or person with a disability, wantonly or recklessly commits or permits another to commit abuse, neglect or mistreatment upon such elder or person with a disability, shall be punished by imprisonment in the state prison for not more than 3 years, or imprisonment in the house of correction for not more than 2 1/2 years, or by a fine of not more than \$5,000, or by both such fine and imprisonment.

SECTION 9. Section 38 of said chapter 265 is hereby repealed."

Under suspension of Rule 35, on motion of Ms. Donovan of Woburn, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The engrossed Bill establishing an economic development fund in the town of Plymouth (see Senate, No. 2390), which had been returned to the Senate by His Excellency the Governor with recommendation of amendment (for message, see Senate, No. 2521), came from said branch with the endorsement that it had adopted said amendment in the following form:

Plymouth,  
economic  
development  
fund.

In section 1, in the second sentence, inserting after the word "constituting" the words "payments in lieu of".

Under suspension of Rule 35, on motion of Mr. Rush of Boston, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The House Bill authorizing the town of Natick to enter into a certain agreement with the town of Wellesley (House, No. 4043) came from the Senate passed to be engrossed, in concurrence, with amendments adding at the end thereof (as printed) the following two sentence: "If a charge or fee secured by such lien remains unpaid when the town of Wellesley assessor is preparing a real estate tax list and warrant, upon request by the town of Natick, the charge or fee may be added to the tax on such property pursuant to section 58 of chapter 40 of the General Laws. Upon receipt of tax payments

Natick  
and  
Wellesley.

which include a charge or fee imposed pursuant to the agreement authorized by this act, the town of Wellesley shall forthwith transfer such charge or fee payment to the town of Natick.”; and adding at the end of said bill the following section:

“SECTION 2. This act shall take effect upon its passage.”

Under suspension of Rule 35, on motion of Mr. Hillman of Sturbridge, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Saugus,  
land.

The House Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Saugus to Thomas G. Kennedy (House, No. 5110) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 3, inserting after the word “convey” the words “, upon such terms and conditions as the commissioner may prescribe,”.

Under suspension of Rule 35, on motion of Mr. Hillman of Sturbridge, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Public  
construction.

A Bill further regulating public construction (Senate, No. 2525) (on Senate, No. 2524), passed to be engrossed by the Senate, was read.

Under suspension of the rules, on motion of Atkins of Concord, the bill was read a second time forthwith; and it was ordered to a third reading.

#### Bills

Mary  
Donna  
Nodurf,  
retirement.

Authorizing the Teachers Retirement System to grant certain creditable service for Mary Donna Nodurf (Senate, No. 1499) (on a part of Senate order, No. 2135) [Representative Koczera of New Bedford dissenting];

Brian  
Bowman,  
sick leave  
bank.

Establishing a sick leave bank for Brian Bowman, an employee of the Department of Correction (Senate, No. 2504) (on a petition);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Swansea,  
treasurer-  
collector.

A Bill establishing the office of collector-treasurer in the town of Swansea (Senate, No. 2325) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

#### Reports of Committees.

Cherry Valley/  
Rochdale  
Water  
District.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on a petition, a Bill relative to the Cherry Valley and Rochdale Water District (House, No. 5106). Read; and referred, under Rule 33, to the committee on Local Affairs and Regional Government on the part of the House.

Subsequently, Mrs. Owens-Hicks of Boston, for said committee on Local Affairs and Regional Government on the part of the House,

reported recommending that the bill ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Rush of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to the annual report by the Department of Housing and Community Development (Senate, No. 700) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Housing  
and  
Community  
Development.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the Rule 7A, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to licensing fees for service dogs (Senate, No. 458) be scheduled for consideration by the House.

Service  
dogs,  
licensing  
fees.

Under suspension of Rule 7A, on motion of Mr. Rush of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill relative to construction of sewer system extensions in the town of Concord (House, No. 4778) [Local Approval Received] be scheduled for consideration by the House.

Concord,  
sewer  
system.

Under suspension of Rule 7A, on motion of Mr. Rush of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the moose population in the Commonwealth (House, No. 4986) be scheduled for consideration by the House.

Moose  
population.

Under suspension of Rule 7A, on motion of Mr. Timilty of Milton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill exempting Timothy Pacheco of Arlington from the maximum age requirements for applying for civil service appointment as firefighter in the town of Arlington (House, No. 5017) be scheduled for consideration by the House.

Arlington.

Under suspension of Rule 7A, on motion of Mr. Marzilli of Arlington, the bill was read a second time forthwith; and it was ordered to a third reading.

Rockland,  
town  
meetings.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill validating the actions taken at the annual town meeting and special town meeting of the town of Rockland (printed in House, No. 5101) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Spellane of Worcester, the bill was read a second time forthwith; and it was ordered to a third reading.

Arlington,  
fund  
transfer.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill to permit the town of Arlington to transfer certain funds (House, No. 5116) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Marzilli of Arlington, the bill was read a second time forthwith; and it was ordered to a third reading.

Arlington,  
town  
counsel.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill to remove the residency requirement for the town counsel of the town of Arlington (House, No. 5117) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Marzilli of Arlington, the bill was read a second time forthwith; and it was ordered to a third reading.

Oxford,  
Sacarrappa  
Pond.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Oxford to make loans to private home owners to replace shallow water supply wells made dry by the drawdown of Sacarrappa Pond (House, No. 5134) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Honan of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Oxford,  
town  
meeting  
rules.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill providing for a change in parliamentary rules in the town of Oxford charter from Demeter's Manual of Parliamentary Law and Procedure to Robert's Rules of Order (House, No. 5135) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Rush of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Matthew  
Conlon,  
civil  
service.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing Matthew Conlon to take a civil service examination for the position of police officer notwithstanding the maximum age requirement (House, No. 5143) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

Report of the committee on Government Regulations, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 5114) of J. James Marzilli, Jr., Jay R. Kaufman, Anne M. Paulsen and Robert A. Havern (by vote of the town) that the town of Arlington be authorized to place certain questions on the ballot relative to the sale of alcoholic beverages in said town.

Under suspension of the rules, on motion of Mr. Marzilli of Arlington, the report was considered forthwith.

Pending the question on acceptance of the report, the same member moved that it be amended by substitution of the Bill to authorize the board of selectmen of the town of Arlington to place upon a town ballot two questions relating to the licensing of purveyors of beer and wine and/or package stores (House, No. 5114), which was read.

The amendment was adopted and, under suspension of the rules, on further motion of Mr. Marzilli, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 5097) of Reed V. Hillman, Mark J. Carron, Richard T. Moore and Stephen M. Brewer that funds received from the State of Connecticut for flood control and water resources utilization of the Thames River be distributed to certain towns affected by said project,— and recommending that the same be referred to the committee on Taxation. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred, Mr. Casey of Winchester, for said committee on Taxation, on said petition, reported a Bill relative to the Thames River Valley (House, No. 5179). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government on the part of the House, on House, No. 4899, an Order relative to authorizing the committee on Local Affairs and Regional Government on the part of the House to make an investigation and study of a certain House document relative to the procurement of public contracts in the Commonwealth (House, No. 5171).

By Mr. Dempsey of Haverhill, for the committee on Science and Technology, on Senate, Nos. 621 and 2048 and House, Nos. 211, 336, 452, 628, 716, 1090, 2036, 2966, 3521, 4464, 4517, 4536 and 4642, an Order relative to authorizing the committee on Science and Technology to make an investigation and study of certain Senate and House documents relative to emergency equipment grants, air quality, bottle redemption, environmental hazards, agricultural technology, technology in education, toxic chemicals and other related matters (House, No. 5173).

By Mr. Rodrigues of Westport, for the committee on Commerce and Labor, on House, No. 4826, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and

Arlington,  
liquor  
sales.

Thames  
River  
Valley.

Public  
contracts,  
procurement.

Science  
and  
Technology  
committee,  
study.

Commerce  
and Labor  
committee,  
study.

LocalAffairs  
and  
Regional  
Government  
committee,  
study.

Taxation  
committee,  
study.

study of a certain House document relative to employees of secondary schools operated by religious societies (House, No. 5174).

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on House, Nos. 4856 and 4887, an Order relative to authorizing the committee on Local Affairs and Regional Government to make an investigation and study of certain House documents relative to land in the towns of Canton and Stoughton and electronic records fees for the town of Burlington (House, No. 5175).

By Mr. Casey of Winchester, for the committee on Taxation, on House, Nos. 4821 and 4895, an Order relative to authorizing the committee on Taxation to make an investigation and study of certain House documents relative to real property tax exemptions in the town of Montague and acceptance of checks by the Department of Revenue (House, No. 5176).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

#### *Emergency Measure.*

Sean  
Glennon,  
sick leave  
bank.

The engrossed Bill establishing a sick leave bank for Sean Glennon, an employee of the Trial Court (see House, No. 5137), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 12 to 0. Sent to the Senate for concurrence.

Bill  
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

#### *Engrossed Bills.*

Bills  
enacted.

##### Engrossed bills

Relative to certain school construction projects in the town of Milton (see Senate, No. 1974, changed);

Authorizing the town of Westborough to grant three additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2327);

Authorizing the city of Watertown to make certain payments (see printed as House, No. 3866);

(Which severally originated in the Senate);

Authorizing the town of Brookline to issue pension obligation bonds or notes (see House, No. 4404); and

Relative to the appointment of certified harbormasters (see House, No. 4588);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

#### *Orders of the Day.*

The Senate Bill establishing the Massachusetts principal and income act (Senate, No. 962, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment previously adopted by the House.

Third  
reading  
bill.

##### Senate bills

Relative to civil service positions in the city of Northampton (Senate, No. 2441, amended);

Designating a certain intersection in the city of Lynn (Senate, No. 2483); and

Establishing a sick leave bank for James E. Vesey, an employee of the Trial Court (Senate, No. 2513, amended);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Third  
reading  
bills.

##### House bills

Designating certain lands in the town of Bridgewater under the care, custody and control of the department of correction as conservation, agricultural, open space and passive recreational purposes (House, No. 616) (its title having been changed by the committee on Bills in the Third Reading);

Establishing a capital investment fund in the town of Winchendon (House, No. 4338);

Validating certain health insurance payments made by the town of Orleans (House, No. 4427);

Establishing the Concord housing development corporation (House, No. 4775);

Relative to the board of health in the town of North Andover (House, No. 4786);

Relative to creditable service of certain employees of the city of Boston (House, No. 4790) (its title having been changed by the committee on Bills in the Third Reading);

Validating actions taken at the annual election in the town of Boxborough (printed in House, No. 4997) (its title having been changed by the committee on Bills in the Third Reading);

Designating the South Boston District Court as the Honorable Chief Justice Joseph F. Feeney Memorial Court House (House, No. 5006);

Authorizing the city of Pittsfield to prohibit heavy commercial vehicles on certain streets (House, No. 5118) (its title having been changed by the committee on Bills in the Third Reading);

h

Third  
reading  
bills.

To decouple from federal production activity deduction. (printed in House, No. 5156); and

Authorizing the town of Salisbury to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5161);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Capital Asset  
Management  
and  
Maintenance,  
lease.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to enter into a certain lease (see House, No. 5086), being a printed copy of Section 123 contained in the engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5076), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment F of House, No. 5082), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment F of said House, No. 5082 (as perfected by said committee).

The report was accepted.

The amendment recommended by the Governor then was rejected.

Mr. Honan of Boston then moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5180.

The amendment was adopted. Sent to the Senate for its action.

#### *Recess.*

Recess.

At eighteen minutes before twelve o'clock noon, on motion of Mr. Lepper of Attleboro (Mr. Petrucci of Boston being in the Chair), the House recessed until half past twelve o'clock; and at twenty minutes before one o'clock P.M. the House was called to order with Mr. Petrucci in the Chair.

#### *Orders of the Day.*

Massage  
therapists.

The House Bill relative to the licensure of massage therapists (House, No. 5160) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Representatives Cabral of New Bedford and Wolf of Cambridge moved that it be amended in section 3 (as printed), in proposed subsection 228, in clause (5), after the words "Asian Bodywork Therapy", by striking out the words "that does not constitute massage as defined by this act"; and the amendment was adopted.

Mr. Frost of Auburn then moved that the bill be amended in section 3 (as printed), in proposed subsection 231, by striking out the first sentence contained therein and inserting in place thereof the following sentence: "The authority of the Board to grant a grandfathered license under the provisions of this section shall terminate 1 year after the effective date of the standards and regulations promulgated by the Board, provided that the Board shall have the authority to grant a grandfathered license to individuals currently enrolled in a 2 year program for up to 2 years after said effective date."; and the amendment was rejected.

The same member then moved that the bill be amended in section 2 (as printed), in proposed subsection 98, by striking out the first paragraph contained therein and inserting in place thereof the following paragraph:

"Section 98. There is hereby established within the division of professional licensure, a board of registration of massage therapists. Said board shall consist of 8 members and shall be appointed by the governor for terms of 3 years. The members so appointed shall be residents of the commonwealth, 3 of whom shall be licensed massage therapists who have been actively engaged in the practice of massage therapy in the commonwealth for at least 5 years immediately preceding their appointment; 1 of whom shall be a health agent, board member or other health professional employed by or elected to a municipal board of health within the commonwealth; 2 of whom shall be individuals who have been actively engaged in the operation of a school approved by the department of education which offers a massage therapy curriculum, and; 2 of whom shall be consumers who are familiar with the massage therapy field. All board members shall be subject to the provisions of chapter 268A."

The amendment was rejected; and the bill (House, No. 5160, amended) was passed to be engrossed. Sent to the Senate for concurrence.

#### *Recess.*

At half past one o'clock P.M., on motion of Mr. Rush of Boston (Mr. Petrucci of Boston being in the Chair), the House recessed until two o'clock; and at ten minutes after two o'clock the House was called to order with Mr. Petrucci in the Chair.

Recess.

#### *Emergency Measures.*

The engrossed Bill establishing a sick leave bank for James E. Vesey, an employee of the Trail Court (see Senate, No. 2513, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

BMC  
employee,  
sick leave  
bank.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 6 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

Milford,  
geriatric  
authority.

The engrossed Bill increasing the borrowing limit of the town of Milford for the funding of the geriatric authority of Milford (see House, No. 5121), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 3 to 0. Sent to the Senate for concurrence.

Bill  
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Income  
tax  
deduction.

The engrossed Bill to decouple from federal production activity deduction. (see printed in House, No. 5156), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 3 to 0. Sent to the Senate for concurrence.

Bill  
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

#### *Engrossed Bills.*

Bill  
re-enacted.

The engrossed Bill establishing an economic development fund in the town of Plymouth (see Senate, No. 2390, amended) (which originated in the Senate) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

The engrossed Bill authorizing a certain question to be placed on the ballot in the town of Lancaster (see printed in House, No. 5133) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Bills  
enacted.

Engrossed bills  
Relative to civil service positions in the city of Northampton (see Senate, No. 2441, amended);

Designating a certain intersection in the city of Lynn as the Donald Ditullio Memorial Square (see Senate, No. 2483);

(Which severally originated in the Senate);

Relative to the eligibility for health insurance for school employees (see House, No. 241);

Relative to the issuance of pension funding bonds by the city of Brockton (see House, No. 3855);

Authorizing the town of Natick to enter into a certain agreement with the town of Wellesley (see House, No. 4043);

Authorizing the town of Franklin to lease certain buildings and land (see House, No. 4091);

Providing for recall elections in the town of Groveland (see House, No. 4171);

Authorizing the town of Ashby to establish a capital reserve account (see House, No. 4474);

Providing for recall elections in the town of Rowe (see House, No. 4772);

Authorizing the city of Lowell to pay a certain unpaid bill (see House, No. 4782);

Authorizing the town of Shrewsbury to establish a certain fund (see House, No. 4857);

Authorizing the city of Northampton to convert seasonal licenses for the sale of wines and malt beverages to be drunk on the premises (see House, No. 5085);

Providing for creditable service for certain teachers and other school employees of the town of Winthrop (see House, No. 5131);

Exempting certain positions in the town of Winthrop from civil service law (see House, No. 5149); and

Relative to reinsurance agreements (see House, No. 5162);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

#### *Recess.*

At sixteen minutes before three o'clock P.M., on motion of Mr. Walsh of Boston (Mr. Petruccelli of Boston being in the Chair), the House recessed until three o'clock; and at seventeen minutes after three o'clock the House was called to order with Mr. Petruccelli in the Chair.

Recess.

#### *Messages from the Acting Governor — Bills Returned with Recommendation of Amendment.*

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill establishing municipal affordable housing trust funds [see House, No. 4709, amended] (for message, see House, No. 5181) was filed this day in the office of the Clerk.

Municipal  
housing  
trust  
funds.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Acting Governor, the bill was referred, on motion of Mr. Honan of Boston, to the committee on Bills in the Third Reading.

Subsequently said committee reported that the amendment recommended by the Acting Governor be considered in the following form:



Municipal  
housing  
trust  
funds.

In section 2 by striking out the last sentence contained therein, as follows: "Money in the trust fund may be expended by the community preservation committee for housing purposes in accordance with this chapter."

The report was accepted.

The amendment recommended by the Acting Governor was adopted. Sent to the Senate for its action.

John  
Fitts,  
sick leave  
bank.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill establishing a sick leave bank for John Fitts, an employee of the Department of Youth Services [see House, No. 5092, amended] (for message, see House, No. 5184) was filed this day in the office of the Clerk.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Acting Governor, the bill was referred, on motion of Mr. Kennedy of Brockton, to the committee on Bills in the Third Reading.

Thomas  
McCabe,  
sick leave  
bank.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill establishing a sick leave bank for Thomas McCabe, an employee of the Department of Correction [see House, No. 4794, amended] (for message, see House, No. 5185) was filed this day in the office of the Clerk.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Acting Governor, the bill was referred, on motion of Ms. Callahan of Sutton, to the committee on Bills in the Third Reading.

#### *Emergency Measures.*

Insurance  
fraud.

The engrossed Bill further preventing insurance fraud in the Commonwealth (see House, No. 4713, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Bill  
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Saugus,  
land.

The engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Saugus to Thomas G. Kennedy (see House,

No. 5110), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 3 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

#### *Engrossed Bills.*

The engrossed Bill validating actions taken at the annual election in the town of Boxborough (see House bill printed in House, No. 4997) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

#### *Engrossed Bills*

Establishing municipal affordable housing trust funds (see House, No. 4709, amended); and

Bills  
re-enacted.

Authorizing the Division of Capital Asset Management and Maintenance to enter into a certain lease (see House, No. 5086, amended);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be re-enacted, in their amended form; and they were signed by the acting Speaker and sent to the Senate.

#### *Order.*

On motion of Mr. DiMasi of Boston,—

*Ordered*, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next  
sitting.

At three minutes before five o'clock P.M., on motion of Mr. Lepper of Attleboro (Mr. Petrucci of Boston being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.